IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FOURTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 25418 of 2003

Between:

B.E.M. Aided Elementary School, represented by its Correspondent K. Prabhakar Rao, Ramadaspet, Rajahmundry, East Godavari Dist.

..... PETITIONER

AND

1. State of Andhra Pradesh represented by its Secretary,
School Education, Secretariat Buildings, Hyderabad.
2. Commissioner of School Education, A.P. Hyderabad.
3. Regional Joint Director of School Education Kakinada,
East Godavari District.
4. The District Educational Officer at Kakinada,
East Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ more in the nature of a writ of Mandamus declaring the action of the District Educational Officer the 3rd respondent herein not according permission to fill up the vacant post of Secondary Grade Teacher in the petitioner Institution as being arbitrary and voilative of Articles 14 and 30(1) of the Constitution of India and consequently direct the District Educational Officer to forthwith permit the management to fill up the vacant post of Secondary Grade Teacher.

Counsel for the Petitioner: MR.CH.SAMSON BABU

Counsel for the Respondent No.: GP FOR EDUCATION

The Court made the following :

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ORDER:

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The petitioner seeks to issue a writ of mandamus declaring the action of the 3rd respondent, the District Educational Officer, Kakinada in not according permission to fill up the vacant post of Secondary Grade Teacher in the petitioner's institution as arbitrary and violative of Articles 14 and 30(1) of the Constitution of India.

It is stated that the proposals of the petitioner's Aided Elementary School, to fill up the Secondary Grade Teacher were forwarded through the Deputy Educational Officer, Rajahmundry, East Godavari District to the District Educational Officer, Kakinada, East Godavari District vide letter dated 29-09-2003.

If the said proposals sent through the Deputy Educational Officer, Rajahmundry, vide letter of the petitioner dated 29-09-2003 to the fourth respondent are pending, the fourth respondent is directed to consider and dispose of the same in accordance with law within eight weeks from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of. No order as to costs.

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04-08-2004

Glv/sj

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

Copies to

1. The Secretary, School Education, State of Andhra Pradesh
Secretariat Buildings, Hyderabad.
2. The Commissioner of School Education, Andhra Pradesh, Hyderabad.
3. The Regional Joint Director of School Education,
Kakinada, East Godavari District.
4. The District Educational Officer,
Kakinada,
East Godavari District.

5. Two C Cs to the Government Pleder for School Education, High Court Buildings, Hyderabad. (O.U.T)

6. Two C.D copies.